

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION**

JERRY LEON DEES, JR.,

Plaintiff,

Vs.

HYUNDAI MOTOR MANUFACTURING  
ALABAMA, LLC, and HYUNDAI  
MOTOR AMERICA, INC.,

Defendants.

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**CASE NO.**  
**2:07-cv-00306-MHT-CSC**

**PLAINTIFF'S OBJECTIONS TO DEFENDANTS' WITNESS LIST**

Pursuant to the Court's Uniform Scheduling Order (Doc. 19), Plaintiff submits the following objections to the witness list filed by Defendants:

<b>Defendants' Witness</b>	<b>Objections</b>
Brian Roby, Assistant Manager, Plant Engineering, HMMA	Plaintiff objects on the grounds that this witness was not timely identified as required by Rule 26(a)(1)(A), nor have Defendants offered any "substantial justification" for not disclosing him during discovery. His exclusion is therefore proper. <i>See Heidtman v. County of El Paso</i> , 171 F.3d 1038, 1040 (5 <sup>th</sup> Cir. 1999) (non-disclosing party offered no explanation for failure to disclose; exclusion proper). Plaintiff had no opportunity to discover witness' testimony. Witness should therefore be excluded because Plaintiff would be prejudiced by his testimony under FRE 403.
Andy Dishman, Assistant Manager, Safety, HMMA	Plaintiff objects on the grounds that this witness was not timely identified as required by Rule 26(a)(1)(A), nor have Defendants offered any "substantial justification" for not disclosing him during discovery. His exclusion is therefore proper. <i>See Heidtman v. County of El Paso</i> , 171 F.3d 1038, 1040 (5 <sup>th</sup> Cir. 1999) (non-disclosing party offered no explanation for failure to disclose; exclusion proper). Plaintiff had no opportunity to discover witness' testimony. Witness should therefore be excluded because

	Plaintiff would be prejudiced by his testimony under FRE 403.
Paul Dunbar, Specialist, Public Relations, HMMA	Plaintiff objects on the grounds that this witness was not timely identified as required by Rule 26(a)(1)(A), nor have Defendants offered any “substantial justification” for not disclosing him during discovery. His exclusion is therefore proper. <i>See Heidtman v. County of El Paso</i> , 171 F.3d 1038, 1040 (5 <sup>th</sup> Cir. 1999) (non-disclosing party offered no explanation for failure to disclose; exclusion proper). Plaintiff had no opportunity to discover witness’ testimony. Witness should therefore be excluded because Plaintiff would be prejudiced by his testimony under FRE 403.
Tim Haseltine, Assistant Manager, Public Relations, HMMA	Plaintiff objects on the grounds that this witness was not timely identified as required by Rule 26(a)(1)(A), nor have Defendants offered any “substantial justification” for not disclosing him during discovery. His exclusion is therefore proper. <i>See Heidtman v. County of El Paso</i> , 171 F.3d 1038, 1040 (5 <sup>th</sup> Cir. 1999) (non-disclosing party offered no explanation for failure to disclose; exclusion proper). Plaintiff had no opportunity to discover witness’ testimony. Witness should therefore be excluded because Plaintiff would be prejudiced by his testimony under FRE 403.
Sheron Rose, Govt. Affairs/Diversity Mgr., HMMA	Plaintiff objects on the grounds that this witness was not timely identified as required by Rule 26(a)(1)(A), nor have Defendants offered any “substantial justification” for not disclosing her during discovery. Her exclusion is therefore proper. <i>See Heidtman v. County of El Paso</i> , 171 F.3d 1038, 1040 (5 <sup>th</sup> Cir. 1999) (non-disclosing party offered no explanation for failure to disclose; exclusion proper). Plaintiff had no opportunity to discover witness’ testimony. Witness should therefore be excluded because Plaintiff would be prejudiced by her testimony under FRE 403.

Dated: March 31, 2008

Respectfully submitted,

s/ Jeffrey R. Sport \_\_\_\_\_  
Jeffrey R. Sport (SPORJ5390)

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**Attorney for Plaintiff**

**CERTIFICATE OF SERVICE**

I do hereby certify that I have on this 31<sup>st</sup> day of March, 2008, electronically filed the foregoing pleading with the Clerk of Court using the CM/ECF system which will send notification of such filing to:

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s/ Jeffrey R. Sport \_\_\_\_\_  
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